

## REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 1, 4, 5, 9, 11, 12-15, 18, and 20 have been amended, and new claims 21 is added. No new matter has been added. Thus, claims 1-21 are currently pending in the application and subject to examination.

### **I. Allowable Subject Matter**

The Applicants respectfully thank the Examiner for the indication that claims 9-16 contain allowable subject matter and would be allowable if rewritten to overcome the objections in the Office Action.

### **II. Objection to the Drawings**

Figs. 11, 14, 15, and 17 are objected to as requiring the legend "Prior Art." Replacement Sheets for Figs. 11, 14, 15, and 17 are submitted herewith.

### **III. Objection to the Specification**

The specification is objected to for informalities. The specification has been amended responsive to this objection.

### **IV. Claim Objections**

Claims 4 and 9-16 are objected to for informalities. Claims 4, 9, 11, 12, 13, 14, and 15 have been amended responsive to these objections. It is noted that claims 10 and 16 were merely objected to as depending from objected claim 9. As claim 9 has been amended to overcome the objection, the Applicants submit that claims 10 and 16 likewise overcome the objection. If any other amendment is required to overcome these objections, the Examiner is requested to contact the undersigned representative.

**V. 35 U.S.C. § 112, second paragraph**

Claims 18 and 20 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite because the second voltage controlled oscillator lacks connection or cooperation with the first voltage controlled oscillator or the precedent claim 1 or 5. Claims 18 and 20 have been amended responsive to this rejection. If any additional amendment is required to overcome this rejection, the Examiner is requested to contact the undersigned representative.

**VI. Art Based Rejections**

The Office Action rejects claims 1, 2, 5 and 6 under 35 U.S.C. § 102(b) as being anticipated by Weon, et al. (U.S. Patent No. 6,272,138). Under 35 U.S.C. § 103(a), claims 3, 4, 7, and 8 are rejected as being unpatentable over Weon et al. (U.S. Patent No. 6,272,138) in view of Little et al. (U.S. Patent No. 6,640,194); and claims 17 and 19 are rejected as being unpatentable over Weon in view of Masuda (U.S. Patent No. 6,791,623). It is noted that claims 1, 4, 5, 9, 11, and 12-15 have been amended. To the extent that the rejections remain applicable to the claims currently pending, the Applicants hereby traverse the rejections as follows.

The Applicant's invention as now set forth in amended claim 1 is directed to a data transmission device including at least a jitter generator generating jitter in the clock signal based on a setting signal, which sets a present condition of the jitter.

In contrast, Weon teaches a 4 bit SRTS 202 that is input into the timing recovery block 104 to **set the dividing ratio** of a frequency divider, such as divider 210. (See Fig. 2 and column 4, lines 38-52 of Weon.)

In addition, the clock smoother 105 reduces jitter in Weon. It does not generate jitter according to a setting signal that sets present condition of the jitter, as recited in amended claim 1. (See column 5, lines 58-59 of Weon).

The timing recovery block 104 and the clock smoother 105 are different than the jitter generator as claimed in amended claim 1.

Thus, the Applicant submits that Weon does not disclose or suggest a data transmission device including at least a jitter generator generating jitter in the clock signal based on a setting signal, which sets a present condition of the jitter, as recited in amended claim 1.

Little and Masuda fail to cure the deficiency in Weon.


For at least this reason, the Applicant submits that claim 1 is allowable over the cited art. For similar reasons, the Applicant submits that amended claim 5 is likewise allowable. As amended claims 1 and 5 are allowable, it is respectfully submitted that claims 2-4 and 6-21, each of which depends from one of allowable claims 1 and 5, are also allowable for at least the same reasons, as well as for the additional subject matter recited therein.

### **Conclusion**

Applicant respectfully submits that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 108390-00061.

Respectfully submitted,

  
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